

Sheehan & Associates, P.C.
cpatalano@spencersheehan.com

505 Northern Blvd Ste 311, Great Neck NY 11021-5101
tel. 516.303.0552 fax 516.234.7800

July 2, 2020

District Judge Cathy Seibel
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: 7:20-cv-00763-CS
Twohig v. Shop-Rite Supermarkets, Inc.

Dear District Judge Seibel:

This office represents the plaintiff. On Friday, June 19, 2020, defendant served and filed a letter seeking a pre-motion conference for filing a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6). In accordance with your Honor's Individual Rules, plaintiff is required to submit a letter setting forth its position one week prior to the scheduled conference on Thursday, July 9, 2020.

In accordance with your Honor's Individual Rules and Fed. R. Civ. P. 15(a)(1)(B), plaintiff shall amend the complaint on or before Friday, July 10, 2020. *Solis v. McAleenan*, No. 19-cv-5383 (S.D.N.Y. Dec. 5, 2019) ("Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course."); *Martinez v. LVNV Funding, LLC*, No. 14-cv-00677, 2016 WL 5719718, at *3 (E.D.N.Y. Sept. 30, 2016); *M.E.S., Inc. v. Liberty Mut. Sur. Group.*, No. 10-cv-0798, 2014 WL 46622 (E.D.N.Y. Jan. 6, 2014), *2 (noting that a plaintiff's amendment as of right in response to defendant's pre-motion letter seeking dismissal "allow[s] for the more efficient use of the Court's time and resources because the Court need only meet with the Parties once...and the need for the motion may be obviated if the amended pleading deals with Defendants' concerns."). Thank you.

Respectfully submitted,

/s/Christopher Patalano
Christopher Patalano

Certificate of Service

I certify that on July 2, 2020, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Christopher Patalano